

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-21 are pending in the application, with claims 1 and 7 being the independent claims. Claims 1 and 7 are amended herein. New claims 10-21 have been added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102***

In paragraph 2 of the Office Action, the Examiner rejected claims 1, 3-4, 6-7, and 9 under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2003/0004780 (hereinafter "Smith et al"). Applicant respectfully traverses these rejections.

Independent claim 1, as amended recites, among other features:

a confidence level filter for assigning a confidence level to data within the set of weather driven demand data;

wherein the weather driven demand data indicates how a business activity is influenced by one or more weather elements.

According to the specification,

The weather driven demand data provide an indication [as to] how a business activity will be influenced by one or more weather elements.

(Paragraph 8 of the specification as published). Smith does not teach or suggest weather driven demand data that indicates how a business activity is influenced by one or more weather elements, as recited in claim 1.

Claim 1, as amended, also recites:

an opportunity matrix filter coupled to said confidence level filter for assigning an opportunity level to data within the set of weather driven demand data.

According to the specification,

The assignment of opportunity measures includes assigning tags, such as high opportunity, low opportunity, high risk, and low risk to each weather driven demand data based on a set of opportunity matrix rules.

(Paragraph 9 of the specification as published). Further according to the specification:

The opportunity matrix filter 115 uses a set of opportunity matrix rules to further characterize the opportunity or risk associated with a particular weather driven demand point. The opportunity matrix filter contemplates employing standard and non-standard statistical measures that are used to control the determination of business opportunities or risks.

(Paragraph 31 of the specification as published).

Smith teaches changing operations when a critical threshold is exceeded. For example:

...the weather module may calculate when conditions would allow for a change in operations and with what probability, and communicate this to the enterprise system. The information provided by the weather module would thus serve as basic input to other component business processes of the enterprise system that depends in some fashion on the critical decision thresholds and probabilities related to weather information. For instance, when the crosswind limit has

been exceeded for a runway, the enterprise system may automatically notify air traffic controllers not to clear planes to land on that runway.

An example of when an airline enterprise system may rely on probabilities would be when the wind speed fluctuates around the critical threshold wind speed. While wind speed may often drop below the critical threshold speed, in this instance 20 knots from the north, the probability that the wind speed will remain below the critical threshold speed may be very low.

(Smith, paragraphs 51-52). Thus the probability in Smith is the probability that a weather variable will cross a discrete threshold value. Smith simply teaches to generate a recommendation to cease or resume an activity should a critical threshold be exceeded, not the use of an opportunity matrix filter, as recited in claim 1.

Thus, for at least these reasons, reconsideration and withdrawal of the rejection of claim 1 is requested.

Claims 3, 4, and 6 depend from claim 1 and are thus patentable for at least the reasons provided above with respect to claim 1, and further in view of the features recited therein. Reconsideration and withdrawal of the rejection of claims 3, 4, and 6 is requested.

Independent claim 7, as amended, recites, among other features:

(b) receiving weather driven demand data for a set of time periods;

assigning opportunity measures to each of the data points within the weather driven demand data;

wherein the weather driven demand data indicates how a business activity is influenced by one or more weather elements.

As described above with respect to claim 1, Smith does not teach or suggest at least these features. Reconsideration and withdrawal of the rejection of claim 7 is requested.

Claim 9 depends from claim 7 and is thus patentable for at least the reasons provided above with respect to claim 7, and further in view of the features recited therein. Reconsideration and withdrawal of the rejection of claim 9 is requested.

***Rejections under 35 U.S.C. § 103***

In paragraph 3 of the Office Action, the Examiner rejected claims 2, 5, and 8 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2003/0004780 (hereinafter "Smith et al"), as applied to claims 1, 3-4, 6-7, and 9, and further in view of U.S. Patent No. 5,832,456 to Fox et al (hereinafter "Fox"). (Office Action, paragraph 3). Applicant respectfully traverses these rejections.

As described above, Smith does not teach or suggest all of the features recited in claims 1 and 7. The Examiner does not allege that Fox teaches or suggest the deficiencies of Smith with respect to claims 1 and 7. Claims 2 and 5 depend from claim 1. Claim 8 depends from claim 7. Claims 2, 5, and 8 are thus patentable for at least the reasons provided above with respect to respective claims 1 and 7, and further in view of the features recited therein. Reconsideration and withdrawal of the rejection of claims 2, 5, and 8 is requested.

***Other Matters***

New claims 10-21 have been added. Support for new claims 10-21 can be found throughout the specification. Prompt and favorable consideration of new claims 10-21 is requested.

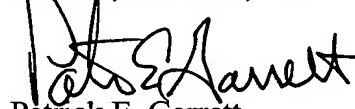
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Patrick E. Garrett  
Attorney for Applicants  
Registration No. 39,987

Date: 7/15/05

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

407424\_8.DOC